

# Court of Appeals, State of Michigan

## ORDER

People of MI v Ronald Richardson

Docket No. 279830

LC No. 01-008786-01

Michael J. Talbot  
Presiding Judge

Kirsten Frank Kelly

Christopher M. Murray  
Judges

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In lieu of granting the application, pursuant to MCR 7.205(D)(2), the Court orders that the July 19, 2007, order of the Wayne County Circuit Court, which granted defendant's motion for judgment relief, is REVERSED. In *People v Smith*, 478 Mich 292, 316; 733 NW2d 351 (2007), the Michigan Supreme Court held that courts should apply the "same elements" test set forth in *Blockburger v United States*, 284 US 299; 52 S Ct 180; 76 L Ed 306 (1932), to determine whether multiple punishments are permitted under both the federal and state constitutions. *Id.* In *People v Parker*, 230 Mich App 337, 344; 584 NW2d 336 (1988), this Court applied the *Blockburger* same-elements test to the defendant's convictions for carjacking, MCL 750.529a, and armed robbery, MCL 750.529, and determined they are not the same offense because the elements are not the same. Because the crimes have different elements, the defendant may be punished for each. See also *People v Strawther*, \_\_\_ Mich \_\_\_, 739 NW2d 82 (2007), published order of the Michigan Supreme Court, issued October 3, 2007. Accordingly, the trial court erred in ruling that defendant's convictions for carjacking and armed robbery violated double jeopardy, and thus, abused its discretion in granting defendant's motion for judgment relief.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 20 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk